

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

VICTOR WALTHOUR

v.

CITY OF PHILADELPHIA, ET AL.

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CIVIL ACTION NO. 21-2779

ORDER

This 13th day of August, 2021, it is hereby **ORDERED** that Defendants' Motions to Dismiss (ECF 11, 12, 14) are **GRANTED**. Plaintiff's claims are **DISMISSED** with prejudice. Plaintiff is **FURTHER ORDERED**, within fourteen (14) days, to show cause as to why his complaint against the City of Philadelphia should not be dismissed under Rule 12(b)(6). *See Schneller ex rel Schneller v. Fox Subacute at Clara Burke*, 317 Fed.Appx. 135, 138 (3d Cir. 2008) (observing that while district courts are empowered to dismiss complaints *sua sponte*, plaintiffs "must be given notice and an opportunity to respond").

/s/ Gerald Austin McHugh
United States District Judge